IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33647 of 2006(E)

PETITIONER:

C.K.ASHIK, S/O.ALAVI,
AGED 36 YEARS, CHELAPPRAMKANDI HOUSE,
P.O.KARAPPARAMBA, MARKET ROAD, CALICUT-10.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS:
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1. KOZHIKODE CORPORATION REPRESENTED BY ITS SECRETARY, KOZHIKODE.

2. THE HEALTH OFFICER, KOZHIKODE CORPORATION.

ADV.MR.C.M.SURESH BABU, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C) No. 33647 OF 2006

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DATED: 19TH DECEMBER, 2006

J U D G M E N T

The petitioner impugns the order passed by the Secretary of the first respondent-Corporation rejecting his application for licence. Concededly the order is appealable and the learned counsel for the petitioner submits that the petitioner will be preferring an appeal forthwith. Counsel for the petitioner asserts that the petitioner had been conducting the chicken stall in the premises in question during the past more than 15 years.

2. Mr.C.M.Suresh Babu, learned Standing Counsel for the Corporation seeks time to get instructions in the matter. However, in view of the obvious position that the impugned order is appealable and the assertion of the learned counsel for the petitioner that the petitioer had been conducting the chicken stall for the past 15 years, this Writ Petition will stand disposed of directing the petitioner to prefer an appeal within seven days of his receiving a copy of this judgment. If appeal is preferred by the petitioner as directed above, the Appellate Authority will take up the appeal and dispose of the same in accordance with law after hearing the petitioner and also the person or persons who filed complaint against the conduct of the chicken stall by

the petitioner at the earliest and at any rate within one month of the petitioner filing the appeal. In view of the above directions, there will be a further direction permitting the petitioner to do the business till 31st December, 2006. The petitioner is permitted to approach the Appellate Authority for further permissions.

(PIUS C. KURIAKOSE, JUDGE)

srd